

**Noise Ordinance Task Force Meeting  
December 14, 2021**

Meeting of Noise Ordinance Task Force held at 1901 S. Alamo, Training room A & B was called to order at 6:02 p.m. by Director Michael Shannon.

Roll Call by Code Supervisor Arturo Arredondo. Those in attendance include:

Task Force Members

Gemma Kennedy  
Steve Versteeg  
Collen Waguespack  
Dawn Larios  
David Uhler  
Sergio Acosta  
John Doski  
Parker Dixon  
Police Captain  
Amin Tohmaz  
Savita Rai  
John Brenneman

Non-Task Force Members

Michael Shannon  
Danny Liguez  
Jenny Ramirez  
Denise Hastings  
Arturo Arredondo  
Samantha Wickwire  
Ximena Copa-Wiggins  
Christine Hill  
Chad Gary  
Alma Martinez Jimenez

Michael Shannon – First order of business is to approve minutes from last meeting. Tonight, we will be going over the pilot program which is noise enforcement utilizing the code enforcement officers.

Amin Tohmaz - For those who are not aware, SAPD is responsible for enforcing the noise ordinance. DSD was ordered by the Mayor and City Council to assist the police department to reduce calls to them that is not urgent. Code Enforcement has been enforcing the noise ordinance on Thursday, Friday and Saturday from 8:00 pm to 4:00 am. There are six code officers that cover the whole city. The program was started on October 7, 2021. The total for those three days since starting pilot programs is over 4000 called. Code responded to 35% of the calls. We manage to get out to 1,465 calls. Out of the 1,465 calls, there were 189 locations with confirmed violations. The code officer takes a meter reading when they get to the property and takes a photo of the reading which is then dispatched to SAPD to issue a citation. Out of the 189 confirmed violations, SAPD issued 99 citations. There were about 68 calls we were not able to get to. What that means is there may have been a house party with maybe 50

or more persons yelling and screaming. The code officers are not peace officers, so they will not stop at those locations. Those same numbers were broken down by council districts and residential and commercial. The Riverwalk was included. Under the current code, businesses can go up to 70 decibels during the day and at night it drops to 63. The Riverwalk is allowed 70 decibels 24 hours a day.

Question – How are the calls being triaged to be responded to or not to respond?

Amin Tohmaz - The way it works right now is we have six code officers city wide and a code supervisor on duty taking calls. Every time SAPD gets a call from 8:00 pm on, they send it to code and the calls are dispersed to the code officers as they come in. There are usually at least four calls for each code officer. The purpose of the pilot program is to respond as fast as we can.

Question – If the code officer is in an area where three new calls come in for a certain business, but they already have four calls pending, is there a possibility that the three calls will not be answered because the queue is filled?

Amin Tohmaz - SAPD will continue to take the calls and respond to them. Any calls that the code officer does not get to, SAPD will still take care of the calls.

Michael Shannon – Code Enforcement has one priority at night and that is to answer noise calls. When they are full and at capacity, SAPD will answer the calls.

Gemma Kennedy – There is another issue which has not been solved yet. When code does give the violation, SAPD issues the citation, but sometimes they don't give a citation even though the violation was found. When this was done before, there were actual peace officers with code issuing the citations. Some of the places we are looking at do not result in a violation, but we do not have information on why they keep calling. What is the noise that they keep hearing? Is there a way to track that information?

Question – Is there some sort of protocol for when code enforcement evaluates whether or not there is a violation.

Amin Tohmaz – Yes, the procedure is to take the readings from the front property line if it is safe for the code officer to stand there. If they cannot take reading from property line, they go around the property to take from another angle.

Michael Shannon – This protocol is in writing. The department created an SOP for the pilot program. The department bought the sound meters for the six code officers and wrote down and trained staff on how to take the readings.

Question – Are the code officers trained on how to find the property line or are they just guessing.

Amin Tohmaz – Most of the properties are fenced and the property line is obvious, but the code officers are experienced in how to find the property lines.

Colleen Waguespack – A code officer goes out to a property and finds that there is genuinely a noise violation. When the police officer gets there and he is not hearing that, can he still issue a citation.

Michael Shannon – Yes, they can still issue the citation.

Question – Do the police officers have noise meters in their patrol vehicle?]

Police Captain – No, they do not have decibel meter readers in their vehicles. Each substation had one assigned to them that are used by the S.A.F.F.E officers for chronic problems.

Michael Shannon – The next topic of discussion is the assignment of task force members downloading a sound app and walking around their homes to take different readings of appliances, televisions, a/c units, etc. The purpose of the exercise was to just get some average numbers around the house. It should be noted that there is a small difference in readings when comparing the downloaded app with the calibrated meters the code officers are using. The difference being about 5 to 6 decibels off.

Chad Gary – People's perception of sound varies, and it also depends on where the sound is measured from.

Amin Tohmaz – two sound experts are in attendance tonight to lend some experience to the task force. R.B. is here to talk about sound, decibels, etc.

R.B. Blackstone – Is a recording engineer, producer, musician and sound designer. He has done some consulting at the Alamodome, for Ricky Skaggs, has designed fourteen studios and has helped people with sound problems. The task force is misnamed. We are talking about measuring sound, whether it is noise or music is subjective. We need noise ordinances and

noise control for things like drill presses and industrial machines. We need sound management for music so that we can get along. It is important to have calibrated meters and officers trained on how to use them. Sound is a compression or refraction of air. It is not actual air movement. Sound travels about 770 miles an hour. It is a compression of air and will find a way out if there is a hole. You can put a 30-decibel door in a wall and if you do not seal it, it will do nothing. Sound travels 1128 feet per minute, sea level. Decibels come from Alexander Graham Bell, which made the bell in what is used is Bell telephone measurement. Decibel is a tenth of the bell which means nothing if it is not related to anything. Decibel sound pressure levels is decibels related to the threshold of hearing. Is of the opinion that the sound should be measured at the complainant's boundary instead of the property line of the business.

Don Pitts – Is from Austin, was the music program manager in Austin for seven years. Once they understood the psychology of noise and sound, they reduced sound complaints by 74% over a period of three years. This was by introducing some practical policies. Enforcement is an expensive and not so successful route. They still do enforcement, but it was the regulation and self-regulation and the smart policy that included problem solving in the ordinance.

John Brenneman – The main problem they have in their area is the base and the vibration and that is not necessarily measured by the decibels. The constant vibration and base penetrate.

R.B. Blackstone– The question will be where is the sound coming from and is it just a matter of lifting the speakers off the ground.

Don Pitts – In Austin, there was a sound vibration problem. One building was up six floors and the other was up twelve or fourteen floors. One was a simple fix of removing the speakers from the walls and setting them on rubberized stand. The other was a little more complex, but the policy they installed was the sound effect plan where permit was required.

Dawn Larios – If you look at the list of calls made, you will see that specific businesses are being called on over and over. Why can't the sound experts be used to consult with these businesses and help them to prove whether it is their speakers, the sound system, or wiring and solve the problem.

Michael Shannon – At the last meeting we talked about gathering the detailed data to identify the properties with the largest number of calls and confirmed violations. We have not decided what to do with that information at this time.

Parker Dixon – There are older homes next to businesses that have changed over the years from, for instance a realty company and now it is a night club. The city should bear some responsibility to help the businesses improve relations with the neighbors.

Dawn Larios – Would like to clarify that when she said they could hire some consultants to help the business, it was not to have the businesses pay high fees to get new wiring and new speaker systems. It is to just provide options and advice.

Gemma Kennedy – After reading the article about the Nutty Bar Cafe in Austin, it is more a matter of speaker placement. Also, sound travels in a very complex way, so it effects some people more than others.

Savita Rai – Would like to remind the task force that the focus is not exclusively on businesses, it is across the board and if you note on the statistics over 63% of the complaints are coming from residential properties. Would like to caution the group on focusing too much on business versus residential. We need to put a policy in place that is across the board.

Michael Shannon – At this time we are going to open up the meeting for non-task force members to speak.

Rick Schell – Tobin Hill, one of the things the task force needs to consider in their discussions is that when you increase decibel level to like 3 decibels, you are doubling the energy that is being emitted from that sound. Was disheartened to learn that 189 businesses were not cited.

Thomas Potter – Business Owner, would like to talk about an incident that happened a few weeks ago. There are several businesses across the street from his business and not mentioned the street is Broadway which is very busy. He has done sound testing all around his business because he works with the neighborhood and wants to be a good neighbor. He built a big wall in the rear of the business and invested in a expensive sound system that staff has no control to change. He received a citation for noise violation. The code officer came out and stood twenty feet in front of his business on Broadway to take the reading. Broadway is already loud because it is busy, but there is another business across the street with noise so loud you can hear at the rear of his business. The police came out and he asked them if the music was too loud, and they said he was fine. So, he asked why they were giving him a citation. The police officer said he was ordered to give the citation because they were at 68 decibels. Now, he has to go to court to fight the citation. Wants to know why the code officer does not talk to the business to let them know the noise is too loud. If they had communicated with the business,

they would have known that they were not the ones that were loud. Was told that the code officer was too afraid to come up to talk to them.

Marcus Serna – Business owner of Beer Depot and he also received a citation for noise violation. He was not there when the code officer came, but his bar manager told him the code officers went to the perimeter of the property to take a reading. He is a retired police officer and was a S.A.F.F.E officer. He looked at the video of the code officers when they came to his property. They were in the parking lot at the south end of his property toward the creek that has been under renovations for a while, and they took a reading from the front of the property which is the access to the highway and the railroad tracks. He would like for the code officers to take the reading from the complainant's property line to get a true reading.

Mel Larisey – would like the make of the decibel meter that is used by the code officers. Why can't code enforcement officers issue citations when they are there on site. A lot of problems can be solved by just communicating with the code officers on other ordinance issues.

Mary Johnson - Monte Vista Terrace, this subject goes beyond the noise. Crowd control is part of it and agrees with Parker that some of this is on the city for giving C of O's to eight or nine bars in a residential area. On the strip, there is an anger mob that roams the street terrorizing the neighbors.

Alberto Saenz – Used to live in a penthouse downtown. During the pandemic the Sunset Station started having their venues outside almost every day of the week. He went the business owner to tell him that he was half a mile away and on the 30<sup>th</sup> floor and the music is too loud. He would call the police three or four times a week, but nothing was ever done that he knows of.

Greg Dobie – Lives on N. Alamo Street and the bad actors for them are the CrossFit Gym and Bentley's Beer Garden. Both places have outdoor activities with no care for the neighbors that live there. A lot has changed in twenty years since he left and came back to San Antonio. Downtown has a lot of residences and he lives in an area that used to be industrial but is now residential. The issue seems to be a zoning issue. Also, having the police issue the citations seems to be a waste of police resources. Are the fines high enough to deter noise violators. In California, when you threaten the liquor license, that's when you finally get change.

Brian Clancy – One of his dreams was to live downtown and now that he is retired, he is living that dream. The one problem he is having is the constant vibration that emit from several businesses. Citations is not a solution. We need to talk and resolve the issues.

Michael Shannon – The next task force meeting will be January 11, 2022, which will be WebEx. Community members are welcome to attend.

Meeting adjourned at 8:15 pm